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OCT 5 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Stephen W. Holt
NL Industries, Inc.
Corporate Environmental Services
P.O. Box 1090
Hightstown, N.J. 08520

Dear Mr. Holt:

On August 17, 1990, representatives of the U.S. Environmental Protection Agency (EPA), the New Jersey Department of Environmental Protection (NJDEP), NL Industries, Inc. (NL), EBASCO, and NL's consultant, O'Brien & Gere, met to discuss EPA's comments on the Draft Remedial Investigation (RI) Report, Volumes I & II, dated April 1990, for the NL Industries Superfund Site.

At that meeting, you and your consultant were given copies of EPA's review of the Data Case for the site dated June 19, 1990. The review is summarized in an Inter-Office Memorandum from Dale S. Boshart to Hanif Sheikh.

As indicated in the review on page 11, Section D, all of the August 1989 soil sample analytical values have been rejected. As a result, it will be necessary to repeat the sampling and analysis of the soils.

Soil samples taken at WS-13, WS-15 and WS 16 were rejected. As a result, sampling and analysis of the soils at these locations must be repeated. For WS-13, sample depths 0-3", 3-6", 6-12" and 12-16". For WS-15, sample depths 0-3", 3-6", 6-10". For WS-16, sample depths 0-3", 3-6" and 6-11".

This is in addition to the supplemental sampling which EPA has required in a letter to you dated September 19, 1990.

The results of all supplemental sampling must be received within ninety (90) calendar days after NL is granted access to the downstream area. Michael Gilbert of my staff has contacted the U.S. Army Corp of Engineers to help expedite the process of gaining access to the downstream sampling locations.

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As I have previously indicated to you in a letter dated September 19, 1990, all of the additional sampling and assessment requirements should be submitted as part of a RI addendum. EPA does not concur with NL's position, as stated in the monthly progress report dated September 10, 1990, concerning the classification of the additional sampling as a "study," as referenced in the Administrative Order on Consent, April 30, 1986, Section II.E. EPA maintains that the sampling will merely supplement the RI and it is not expected to alter its conclusions.

In your letter to John La Padula of this Agency dated September 19, you requested that an extension be granted for submittal of the RI Report which was due on September 24, 1990. During the August 17 meeting, Dr. Marina Stefanidis of EPA and Ms. Linda Cullen of NJDEP indicated that O'Brien & Gere should revise the Risk Assessment using the most current toxicity values found in the Integrated Risk Information System (IRIS) and Health Effects Assessment Summary Tables (HEAST). O'Brien & Gere noted that they did not have the HEAST table, and on August 20, Michael Gilbert sent a copy to O'Brien & Gere in order to expedite the work. EPA believes that there was no reason for O'Brien & Gere to wait for any additional information from EPA's Environmental Criteria and Assessment Office (ECAO) before performing the risk assessment, especially since the toxicity values for the chemicals in question did not drive the risk. When O'Brien & Gere finally called Dr. Stefanidis on September 12, she reiterated EPA's directions to use the IRIS and HEAST information.

EPA therefore does not believe that an extension is justified and thus considers NL Industries to be out of compliance with the schedule stated in Section II.D of the Administrative Order On Consent. Failure to adhere to this schedule may result in the levying of penalties as stated in Section VII.D of the Administrative Order. I urge you to submit the RI report as soon as possible.

If you have any questions on the above, please call Michael Gilbert of my staff at (212) 264-6418.

Sincerely yours,



Raymond Basso, Chief
New Jersey Compliance Branch

cc: F. Hale, O'Brien & Gere
D. Rubin, EBASCO
C. Holstrom, NJDEP

bcc: J. La Padula, SNJCS
M. Gilbert, SNJCS
C. Fiske, ORC
M. Stephanidis, PSB

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